

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN**

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BRITTANY WIRTZ,

Case No. 1:18-cv-837

Plaintiff,

v.

**DEFENDANT UNITEDHEALTHCARE  
INSURANCE COMPANY'S NOTICE OF  
REMOVAL TO FEDERAL COURT**

UNITEDHEALTHCARE INSURANCE  
COMPANY,

Defendant.

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Pursuant to 28 U.S.C. § 1441(a), Defendant UnitedHealthcare Insurance Company ("UHIC") hereby removes this action to this Court. In support of the removal of this action, UHIC states as follows:

1. Plaintiff Brittany Wirtz ("Plaintiff") filed a Complaint against UHIC in Oconto County Circuit Court (Case No. 2018CV000060) on April 20, 2018. Plaintiff served the Complaint on UHIC on May 2, 2018. This Notice of Removal is filed within 30 days of service of the Complaint on UHIC as required by 28 U.S.C. § 1446(a).

2. Removal of this action is proper because this action presents a federal question over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1331.

3. Plaintiff seeks to recover against UHIC for benefits allegedly owed to Plaintiff under health insurance plans (the "Plans") issued by UHIC to Plaintiff's mother, Renee Wirtz, by virtue of Ms. Wirtz's employment with Maple Valley Mutual Insurance Company. (Complaint ¶ 3.)

4. The Plans are part of an “employee welfare benefit plan” under 29 U.S.C. § 1002(1), and are governed exclusively by 29 U.S.C. § 1001 *et seq.*, commonly referred to as the Employer Retirement Income Security Act of 1974, or ERISA.

5. Copies of the UHIC Choice Plus Certificates of Coverage for Maple Valley Mutual Insurance Company for 2016, 2017, and 2018, are attached at Exhibit 1-3 to the accompanying Declaration of Jane E. Stalinski, Legal Case Information Analyst for UHIC.

6. Plaintiff’s claims “relate to” an employee welfare benefit plan and fall within the scope of ERISA’s civil enforcement provisions. *See* 29 U.S.C. § 1132. As a result, Plaintiff’s claims are completely preempted by ERISA.

7. Because the above-captioned action is a civil suit for benefits under an employee welfare benefit plan arising under ERISA, this Court has original jurisdiction over this action under 28 U.S.C. § 1331 and 29 U.S.C. § 1132, without respect to the amount in controversy or the citizenship of the parties.

8. As a result, removal of this action is proper under 28 U.S.C. §§ 1441 and 1446, as all rights, duties, and obligations of the parties are exclusively defined and controlled by ERISA.

9. A true and correct copy of all documents on file with the Oconto County Circuit Court, State of Wisconsin, are attached hereto as Exhibit A.

10. Under 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being filed with the Clerk of the Oconto County Circuit Court and served on counsel for Plaintiff.

Dated: June 1, 2018

/s/Donald T. Campbell

Donald T. Campbell (MN #0262171)

*Admitted in the Eastern District of*

*Wisconsin*

Andrew W. Davis (WI #1094358)

*Pro hac vice motion to be filed*

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**ATTORNEYS FOR DEFENDANT UNITED  
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